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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181755
Party	Defendant BeauxKat Enterprises LLC
Correspondence Address	Justin D Park Romero Park & Wiggins 155 - 108th Avenue NE, Suite 202 Bellevue, WA 98004 UNITED STATES jpark@rpwfir.com
Submission	Defendant's Notice of Reliance
Filer's Name	Justin D. Park
Filer's e-mail	jpark@rpwfir.com
Signature	/Justin D. Park/
Date	08/10/2009
Attachments	A_6th_N_Reliance_08-10-2009.pdf (20 pages)(1586024 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRANCISCAN VINEYARDS)	
)	Mark: BLACK RAVEN BREWING COMPANY
Opposer)	Opposition No.: 91181755
v.)	Serial No.: 77223446
)	
BEAUXKAT ENTERPRISES LLC)	
)	
Applicant)	

APPLICANT'S SIXTH NOTICE OF RELIANCE

TO: Franciscan Vineyards

AND TO: Linda Kurth, attorney for Opposer.

Please take notice that Applicant, Beauxkat Enterprises, LLC ("Applicant"), pursuant to 37 CFR §2.122(e) is hereby noticing its reliance on various excerpts from printed publications, which are taken from Internet sites. These excerpts are a small number of English language third party articles and/or photographs demonstrating that, while more rare than the standard type, there are several types of raven that are either not black or are multi-colored. These excerpts are relevant to the Opposer's allegation that the word raven "is also used synonymously with the color black." (Opposer's Ninth Notice of Reliance).

The excerpts are taken from the following websites, and are attached:

- http://en.wikipedia.org/wiki/Thick-billed_Raven
- http://en.wikipedia.org/wiki/Brown-necked_Raven
- http://en.wikipedia.org/wiki/Chihuahuan_Raven
- http://www.cbc.ca/asithappens/features/2008/white_raven1.jpg
- <http://i22.photobucket.com/albums/b320/DarkoneCRO666/white-raven.jpg>
- http://members.pcug.org.au/~lindafrd/graphics/White_Raven.jpg
- http://activerain.com/image_store/uploads/4/0/1/3/6/ar121340627463104.jpg
- http://www.bing.com/images/search?q=white+raven&FORM=MSNH11#focal=e1cc15e0d13448dd965a3c110c1c2cd4&furl=http%3A%2F%2Factiverain.com%2Fimage_store%2Fuploads%2F4%2F0%2F1%2F3%2F6%2Far121340627463104.jpg
- http://en.wikipedia.org/wiki/White-necked_Raven
- http://en.wikipedia.org/wiki/File:Corvus_albicollis_White-necked_Raven.JPG

DATED this 10th day of August, 2009.

ROMERO PARK & WIGGINS P.S.

/Justin D. Park/

Justin D. Park, WSBA #28340
155 – 108th Avenue NE, Suite 202
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Applicant's Sixth Notice of Reliance was forwarded by first class, postage pre-paid mail by depositing the same with the U.S. Postal Service on this 10th day of August, 2009 to the Opposer at the following address:

Stephen L. Baker
Linda Kurth
Baker & Rannells
575 Route 28, Suite 102
Raritan, NJ 08869

A copy of the same was sent via e-mail on this 10th day of August, 2009 to the Opposer at the following e-mail addresses:

officeactions@br-tmlaw.com
k.hnasko@br-tmlaw.com
n.friedman@br-tmlaw.com
l.kurth@br-tmlaw.com
s.baker@br-tmlaw.com

ROMERO PARK & WIGGINS P.S.

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Thick-billed Raven

From Wikipedia, the free encyclopedia

The **Thick-billed Raven** (*Corvus crassirostris*), a Corvid from the Horn of Africa, shares with the Common Raven the distinction of being the largest in the Corvid family (60-64 cm in length and 1.5 kg), and indeed the largest of the bird order Passeriformes (perching birds). It has a very large bill that is laterally compressed and is deeply curved in profile giving the bird a very distinctive appearance. This bill is black with a white tip and has deep nasal grooves with only light nasal bristle covers.

This raven has very short feathers on the head, throat and neck, which on the throat and upper breast have an oily brown gloss. The rest of the bird is glossy black except for a distinctive white patch of short feathers on the nape and onto the neck.

Contents

- 1 Distribution and habitat
- 2 Behaviour
 - 2.1 Diet
 - 2.2 Nesting
 - 2.3 Voice
- 3 External image links
- 4 Video links
- 5 References

Distribution and habitat

Its range covers Eritrea, Somalia and Ethiopia; its habitat includes mountains and high plateau between elevations of 1500 to 3400 metres.

Behaviour

Diet

The Thick-billed Raven is omnivorous, feeding on grubs, beetle larvae from animal dung, carrion, scraps of meat and human food. It has been seen taking standing wheat. When seeking food from dung, it has been seen using a distinct scything movement to scatter the dung and extract the grubs.

Nesting

It nests in trees and on cliffs, apparently building a stick nest like the similar White-necked Raven. It lays three to five eggs.

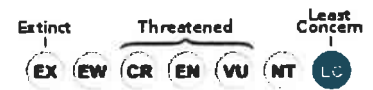
Voice

Its calls include a harsh nasal croak or a low wheezy croak or sometimes a "raven-raven" sometimes their call is a "dink,dink,dink" sound.

Thick-billed Raven



Conservation status



Least Concern (IUCN 3.1)

Scientific classification

Kingdom: Animalia

Phylum: Chordata

Class: Aves

Order: Passeriformes

Family: Corvidae

Genus: *Corvus*

Species: *C. crassirostris*

Binomial name

Corvus crassirostris
Rüppell, 1836



External image links

- [Pair of birds](#)
- [Head shot of birds](#)
- [View from below](#)

Video links

- [Thick-billed Raven videos on the Internet Bird Collection](#)

References

- BirdLife International (2004). *Corvus crassirostris*. *2006 IUCN Red List of Threatened Species*. IUCN 2006. Retrieved on 12 May 2006. Database entry includes justification for why this species is of least concern

Retrieved from "http://en.wikipedia.org/wiki/Thick-billed_Raven"

Categories: [IUCN Red List least concern species](#) | [Corvus](#) | [Ravens](#) | [Birds of Africa](#) | [Birds of Ethiopia](#)

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Brown-necked Raven

From Wikipedia, the free encyclopedia

The **Brown-necked Raven** (*Corvus ruficollis*) is a larger bird (52-56 cm in length) than the Carrion Crow though not as large as the Common Raven. It has similar proportions to the common raven but the bill is not so large or deep and the wings tend to be a little more pointed in profile. The head and throat are a distinct brownish-black giving the bird its English name, while the rest of the plumage is black glossed with purple, blue or purplish-blue. The feathers of this species often fade quite quickly to a brownish black (even the truly black feathers) and the bird can look distinctly brown by the time it moults. The feet, legs and bill are black. The Dwarf Raven was formerly considered a subspecies (*Corvus ruficollis edithae*) but this bird now appears to be closer to the Pied Crow (*C. albus*) than this species. Hybrids between this species and the Pied Crow seem to reinforce their close relationship. This species is found principally in Somalia and neighbouring areas.



Distribution map

This species has a wide range across virtually the whole of North Africa, down as far as Kenya, the Arabian peninsula and up into the Greater Middle East and southern Iran. It lives in a predominantly desert environment visiting oases and palm groves.

Food consists of a wide range of items including carrion, snakes, locusts and other grasshoppers, stranded fish (in coastal areas), grain stolen from bags, dates and other fruits. It is quite fearless when not persecuted but is quick to become wary and shy if too much attention is paid to it.

The nest is very much like the Common Raven's, and may be found in trees, on cliffs or in old and ruined buildings. The Dwarf Raven seems to prefer thorn trees for its nest building. There are usually 4-5 eggs laid and incubated over 20-22 days. The young usually leave the nest by the 37th or 38th day and can fly well by 42-45 days.

The voice is very similar to the Common Raven's consisting mainly of croaks, though higher in pitch; and a harsh "karr-karr-karr" very much like a Carrion Crow too. In flight, it will utter a "kuerk-kuerk" call.

Image Links

- Closeup of bird
- A pair of Brown-necked Ravens
- Bird in Cypress tree

Video links

- Brown-necked Raven videos on the Internet Bird Collection

References

- BirdLife International (2004). *Corvus ruficollis*. 2006 IUCN Red List of Threatened Species. IUCN 2006. Retrieved on 12 May 2006. Database entry includes justification for why this species is of least concern

Retrieved from "http://en.wikipedia.org/wiki/Brown-necked_Raven"

Brown-necked Raven



Conservation status



Least Concern (IUCN 3.1)

Scientific classification

Kingdom: Animalia

Phylum: Chordata

Class: Aves

Order: Passeriformes

Family: Corvidae

Genus: *Corvus*

Species: *C. ruficollis*

Binomial name

Corvus ruficollis

Lesson, 1830

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Chihuahuan Raven

From Wikipedia, the free encyclopedia

The **Chihuahuan Raven** (*Corvus cryptoleucus*), formerly known as the American White-necked Raven, has the proportions of a Common Raven with a heavy bill, but is about the same size as a Carrion Crow, or slightly larger (44-51 cm in length) than the American Crow. The plumage is all-black with a rich purple-blue gloss in good light. The nasal bristles extend farther down the top of the bill than in any other *Corvus* species to about two-thirds the length. The base of the neck feathers are white (seen only when ruffled in strong wind). The bill, legs and feet are black.

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Distribution and habitat



Distribution map

It occurs in the southwestern United States and Mexico including southeastern Arizona, southern New Mexico, northeastern Colorado, central and southern Nebraska and, in Mexico.

Behaviour

Diet

It feeds on cultivated cereal grains, insects and many other invertebrates, small reptiles, carrion and scraps of human food, cactus fruits, eggs and nestlings.

Nesting

The nest is built in either trees, large shrubs or sometimes even in old buildings. There are usually 5-7 eggs laid relatively late in the year during May so as to take advantage of the insect food for their young in their more arid environment.

Voice

The voice is similar to the Common Raven with "*pruk-pruk*" sounds and other croaks but is not as deep in tone or as varied in range.

Taxonomy

A 2005 molecular study reviewed segments of DNA of the Common Raven and found the Chihuahuan Raven are

http://en.wikipedia.org/wiki/Chihuahuan_Raven

Chihuahuan Raven



Conservation status



Least Concern (IUCN 3.1)

Scientific classification

Kingdom: Animalia

Phylum: Chordata

Class: Aves

Order: Passeriformes

Family: Corvidae

Genus: *Corvus*

Species: *C. cryptoleucus*

Binomial name

Corvus cryptoleucus

Couch, 1854

genetically nested within Common Ravens based on mitochondrial DNA. That is Common Ravens from the California Clade are more similar in mtDNA to Chihuahuan Ravens than they are to Common Ravens in the Holarctic Clade.^[1] (also see Omland et al. 2000 -- Omland, K. E., C. L. Tarr, W. I. Boarman, J. M. Marzluff, and R. C. Fleischer. 2000. Cryptic genetic variation and paraphyly in ravens. *Proceedings of the Royal Society Biological Sciences Series B* 267:2475-2482.)

References

- [^] Feldman CR, Omland KE (2005) Phylogenetics of the common raven complex (*Corvus*: Corvidae) and the utility of ND4, COI and intron 7 of the β -fibrinogen gene in avian molecular systematics. *Zoologica Scripta* **34** 145
- BirdLife International (2004). *Corvus cryptoleucus*. *2006 IUCN Red List of Threatened Species*. IUCN 2006. Retrieved on 12 May 2006. Database entry includes justification for why this species is of least concern

Omland, K. E., C. L. Tarr, W. I. Boarman, J. M. Marzluff, and R. C. Fleischer. 2000. Cryptic genetic variation and paraphyly in ravens. *Proceedings of the Royal Society Biological Sciences Series B* 267:2475-2482.

External links

- Photo of Chihuahuan Raven
- Great shot showing white bases to neck feathers
- Comparison of Chihuahuan and Common Raven specimens
- Patuxent Bird Identification InfoCenter species account, including Breeding Bird Survey and Christmas Bird Count range maps.
- Chihuahuan Raven photo gallery VIREO

Retrieved from "http://en.wikipedia.org/wiki/Chihuahuan_Raven"

Categories: IUCN Red List least concern species | *Corvus* | Endemic birds of Southwestern North America | Birds of Mexico | Birds of the United States | Native birds of the Southwestern United States | Fauna of the Chihuahuan Desert | Fauna of the Sonoran Desert | Birds of the Madrean sky islands | Fauna of the U.S. Rio Grande Valleys | Fauna of Northern Mexico | Ravens

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http://www.cbc.ca/asithappens/features/2008/white_raven1.jpg



<http://i22.photobucket.com/albums/b320/DarkoneCRO666/white-raven.jpg>



http://members.pcug.org.au/~lindafrd/graphics/White_Raven.jpg



http://activerain.com/image_store/uploads/4/0/1/3/6/ar121340627463104.jpg

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Freaky but Fascinating!

Two white ravens have been seen in Qualicum, BC, on Vancouver Island (98 miles/157 kilometers from Victoria BC), together with their three black siblings. Bird expert and author Mike Yip of Nanoose Bay took this photo of the birds with the genetic defect.

The area they were seen is called Ravensong Pool!! The birds are not Albino because they have blue eyes rather than pink eyes. Another pair of young white ravens was spotted last year in the same area and it is believed that there's a good chance the four white ravens came from the same parents.



Photos by Mike Yip

Posted by [David Stevens](#)
on 06/13/2008 08:22 PM

[Comments \(2\)](#)

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2 Comments on Freaky but Fascinating!

JUN

13
2008

Wow thats pretty cool....are they Albino's? Hey David I decided to pick you for my Canadian Bloggers Connect Challenge.....check it out! [Canadian Bloggers Connect a MEME Challenge](#)



Liz Moras ~ Realtor, Landmark Realty Chilliwack (Hope, Abbotsford, Langley & the Fraser Valley)

JUN

14
2008



David Stevens
[Victoria, BC](#)

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	Photo	Location	Address	Type	Neighborhood	
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View (15 Photos)		SW Gorge-Saanich West		Residential	Saanich West	SC
View (13 Photos)		Gateway-Saanich West	168 Lurline Ave	Residential	Saanich West	ML
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View (10 Photos)		Saanich Peninsula		Commercial	NW Sidney	MLS
View					Victoria and	

Tags

[Links](#)

- [David Stevens Website](#)
- [Canada Mortgage & Housing Corporation](#)
- [Citizenship & Immigration Canada](#)
- [Royal LePage Canada](#)

Hi Liz - I am just rushing off so will connect with the Canadian bloggers challenge later today - thanks for the invite.

And, no, the ravens aren't Albinos because they don't have pink eyes.

Cheers!

David

David Stevens (Royal LePage Coast Capital Realty, Victoria BC Canada)

9:29am • [#2](#)

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white raven



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Freaky but Fascinating!

Two white ravens have been seen in Qualicum, BC, on Vancouver Island (98 miles/157 kilometers from Victoria BC), together with their three black siblings. Bird expert and author Mike Yip of Nanose Bay took this photo of the birds with the genetic defect.

The area they were seen is called Ravensong Pool!! The birds are not Albino because they have blue eyes rather than pink eyes. Another



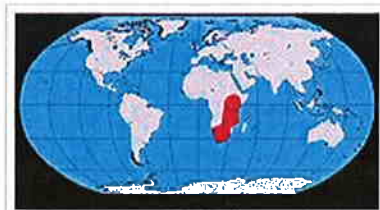
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White-necked Raven

From Wikipedia, the free encyclopedia

The **White-necked Raven**, *Corvus albigollis*, is somewhat smaller (50-54 cm in length) than the Common Raven or indeed its nearest relative, the Thick-billed Raven *C. crassirostris*. It has a much shorter tail and a deeper bill with a white tip that is strongly arched (almost as much as the Thick-billed Raven). Though predominantly black, the throat, breast and neck are a blackish-brown in colour, with a faint purple gloss. There is a large patch of white feathers on the back of the lower neck.



Distribution map

It occurs in eastern and southern Africa in open, mountainous country. It is quite commonly found in small towns and villages as long as there are mountains or hills for roosting and nesting relatively near by.

Most of this birds food is obtained from the ground, but it will take food from trees also. It has been seen to drop tortoises from a height

onto hard ground, preferably onto rocks, and then swoop down to eat it, or even pick it up again if not sufficiently broken. White-necked Ravens will also readily take carrion from road kills. Fruit, grain, insects, small reptiles, peanuts and human food are also readily taken and if not persecuted, will forage in back yards and gardens quite openly.

Nests are mainly on a cliff ledge but will occasionally nest in a tree. There are usually 3-5 eggs laid.

Often described as a raven with a sore throat, it has very similar calls to the Common Raven, but with a more husky note. It has a croak like the raven but with a more whispering note added.

Photo Image Links

- White-necked Raven

Video links

- White-necked Raven videos on the Internet Bird Collection

References

- BirdLife International (2004). *Corvus albigollis*. *2006 IUCN Red List of Threatened Species*. IUCN 2006. Retrieved on 12 May 2006. Database entry includes justification for why this species is of least concern

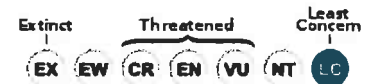
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Categories: IUCN Red List least concern species | Corvus | Birds of Africa | Ravens | Birds of Kenya

White-necked Raven



Conservation status



Least Concern (IUCN 3.1)

Scientific classification

Kingdom: Animalia

Phylum: Chordata

Class: Aves

Order: Passeriformes

Family: Corvidae

Genus: *Corvus*

Species: *C. albigollis*

Binomial name

Corvus albigollis

Latham, 1790

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File:Corvus albicollis White-necked Raven.JPG



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Summary

Description

English: White-necked Raven (*Corvus albicollis*), picture taken somewhere between Ngorongoro and Serengeti, Tanzania

Deutsch: Geierabe (*Corvus albicollis*), fotografiert zwischen dem Gebiet Ngorongoro und der

File links

The following pages on the English Wikipedia link to this file (pages on other projects are not listed):

- White-necked Raven

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This file contains additional information, probably added from the digital camera or scanner used to create or digitize it. If the file has been modified from its original state, some details may not fully reflect the modified file.

Camera manufacturer	Canon
Camera model	Canon EOS 400D DIGITAL
Exposure time	1/320 sec (0.003125)
F-number	f/6.3
ISO speed rating	400
Date and time of data generation	08:45, 25 June 2008
Lens focal length	400 mm
Horizontal resolution	7,984,407 dpi
Vertical resolution	58.615472271461 dpi
File change date and time	15:01, 25 July 2008
Y and C positioning	2
Exposure Program	Normal program
Exif version	2.21
Date and time of digitizing	08:45, 25 June 2008
Shutter speed	8.3219299316406
Aperture	5.3106994628906
Exposure bias	0
Metering mode	Pattern
Flash	Flash did not fire, compulsory flash suppression
Color space	sRGB
Focal plane X resolution	4,433.2953249715
Focal plane Y resolution	4,453.6082474227
Focal plane resolution unit	inches
Custom image processing	Normal process
Exposure mode	Auto exposure
White balance	Auto white balance
Scene capture type	Standard

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